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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/831,164	<b>Applicant(s)</b> ANDRASCHKO ET AL.	
	<b>Examiner</b> Gregory J. Strimbu	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 41-95 is/are pending in the application.
- 4a) Of the above claim(s) 50-95 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/19/01</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### ***Election/Restrictions***

Applicant's election of Group I in the reply filed on February 20, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 50-95 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 20, 2007.

### ***Information Disclosure Statement***

The information disclosure statement filed July 19, 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the German Patent Publications 43 44 729 and 298 19 342 referred to therein have not been considered. It should be noted that the '729 reference does not have an English abstract.

### ***Drawings***

The drawings are objected to because each figure is not labeled with the words "Figure". In figure 1, "3-3" should be changed to --3-3-- or --III-III-- so as to indicate

which figure shows the view taken along the section line. Figures 3 and 4 are objected to because it does not include the proper cross sectional shading in accordance with MPEP 608.02. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

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abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "is described" on line 1 can be easily implied and therefore should be deleted. on line 2, "a sliding door drive" is confusing if the window system option is chosen on line 1. On line 4, "[t]he sliding wing" is confusing since it is unclear to which one of the sliding wings the applicant is referring. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: recitations such as "the features of the preamble of claim 1" on line 1 of page 1 should be deleted. On line 1 of page 9, "A-A" should be changed to --3-3-- or --III-III-- to agree with the drawing changes. "The lines . . . direction connection" on lines 12-15 on page 10 are confusing since it is unclear what the applicant is attempting to set forth. On line 25 of page 12, "A-A" should be changed to --3-3-- or --III-III-- to agree with the drawing changes. Recitations such as "thrum" on line 22 of page 14 require an English translation. Recitations such as "[t]he claim 51 . . . elastic material" on lines 32-34 of page 15 are confusing since it is unclear what the applicant is attempting to set forth. Finally, it is suggested the applicant avoid referring to the same element of the invention with different language. For example, the applicant should avoid referring to element 77 as the "cover hood" on line 28 of page 12 and as the "cover plate" on line 3 of page 14. Also see "72" on lines 14 and 16 of page 13 and "62" on lines 2 and 4 of page 15.

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

#### ***Claim Rejections - 35 USC § 112***

Claims 41-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “or” on line 1 of claim 41, on line 8 of claim 41, on line 14 of claim 41, and line 17 of claim 41 render the claims indefinite because it is unclear which one of the non-equivalent alternatives the applicant is attempting to positively set forth. Recitations such as “arranged on a fixedly mounted carrier” on lines 7-8 of claim 41 render the claims indefinite because it is unclear if the wing or the drive unit is arranged on the carrier. Recitations such as “therewith” on line 8 of claim 41 render the claims indefinite because it is unclear what element of the invention the applicant is referring to. Recitations such as “as well as” on line 10 of claim 41 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as “a fixedly mounted carrier” on line 12 of claim 41 render the claims indefinite because it is unclear if the applicant is referring to the fixedly mounted carrier set forth above or is attempting to set forth another carrier in addition to the one set forth above. Recitations such as “which include” on line 18 of claim 41 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as “has a groove” on line 18 of claim 41 render the claims indefinite because it is unclear what element has the groove to which the applicant is referring. Recitations such as “large” on line 3 of claim 43 render the claims indefinite because they are relative terms whose meaning is not readily apparent to one with ordinary skill in the art and is not defined by the specification. Recitations such as “in an axial position to the bus arrangement” on lines 3-4 of claim 44 render the claims indefinite because it is unclear what the applicant is attempting to set forth. It is unclear what spatial relationship the applicant is attempting to set forth. Recitations such as “a box-shaped profile” on line 4 render the claims

indefinite because it is unclear how the housing can be L-shaped and box-shaped at the same time. Recitations such as "the connection of the electric functional unit on the bus arrangement" on lines 3-4 of claim 47 render the claims indefinite because it is unclear how the electric functional unit is connected on the bus arrangement when it appears that it is connected to the bus arrangement. Recitations such as "the electric functional unit" on lines 2-3 of claim 48 render the claims indefinite because it is unclear to which one of the plurality of functional units set forth above the applicant is referring. Recitations such as "configured separately" on line 2 of claim 49 render the claims indefinite because it is unclear what element of the invention the clamping arrangement is configured separately from.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 41-44 and 46, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Krahenbuhl et al. (US 6233878). Krahenbuhl et al. discloses an automatic door or window system with a drive and with a displaceable driven wing 13,



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wherein the drive comprises:

a fixedly mounted slide track 40, wherein the wing is displaced in the slide track guided by cam rollers 15, 16 of at least one reel car 14,

an electric drive unit 17, 24 for driving the wing arranged on a fixedly mounted carrier 11, or on a part connected therewith, having an electric drive motor 27,

as well as several electric functional units, which include one of, power supply units 41, locking devices and emergency power supply units, arranged on a fixedly mounted carrier 11,

a bus arrangement 22, 23, which is configured for data or signal transmission between the electric functional units or between the electric functional units and the drive unit,

and wherein the slide track or a part connected to the slide track, which include, a housing 20 of the drive, has a groove 21 for holding the bus arrangement;

wherein the bus arrangement is arranged on or in the slide track or on a part connected to the slide track (claim 42);

wherein the bus arrangement 22, 23 extends in the axial direction of the slide track over a large part of the length of the slide track (claim 43);

wherein the bus arrangement 22, 23 is configured so that the electric functional units are optionally arranged in an axial position to the bus arrangement (claim 44);

wherein the bus arrangement has a ribbon cable

wherein the slide track has a profile housing 11 which is one of rectangular, U-shaped or L-shaped in cross section, which is configured as a box-shaped profile housing (claim 46);

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krahenbuhl et al. as applied to claims 41-44 and 46 above, and further in view of Van Der Straeten (US 1941121). Van Der Straeten discloses a ribbon cable.

It would have been obvious to one of ordinary skill in the art to provide Krahenbuhl et al. with a ribbon cable, as taught by Van Der Straeten, to allow for the use of one cable between the bus arrangement and the power supply and the control unit.

Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krahenbuhl et al. as applied to claims 41-44 and 46 above, and further in view of Fischbach et al. (US 6490832). Fischbach et al., in figure 4, discloses an automatic door or window system, comprising an electric functional unit 2g having a clamping arrangement 351 for the connection of the electric functional unit on a carrier 1;

wherein the clamping arrangement is configured on the electric functional unit to be attached to or be one piece with said electric functional unit (claim 48);

wherein the clamping arrangement is configured separately and is connected to the electric functional unit (claim 49).

It would have been obvious to one of ordinary skill in the art to provide Krahenbuhl et al. with a clamping arrangement, as taught by Fischbach et al., to increase the ease with which the components can be accessed for maintenance or replacement.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/  
Primary Examiner, Art Unit 3634